

REMARKS/ARGUMENTS

It is respectfully submitted that the Applicant believes the Examiner has failed to appreciate the dramatic differences and improvements of the subject system over existing methods and devices. Thus, Applicant believes that it would be very useful to describe exactly what the subject invention is able to do that existing systems are utterly unable to accomplish. The subject invention allows a user (teacher or professor in many cases) to quickly import grades into an electronic gradebook via a grading label that is placed on the document to be graded. The grading label may be placed on the upper surface on the document to be imaged in any location. The grading label is a "data rectangular" in the subject invention and is required for the subject invention to function, unlike either of the cited reference (Grundy '673 and Knowles, et al. '232) in which any rectangles are either merely ornamental and have no operational function or are absolutely fixed in an exact document location that the system's programming is expecting to "see" in ONLY that one fixed location in order to record the data. The "data rectangle" is utilized by Applicant's subject programming to identify where the grades and other relevant information (student ID, etc.) are found on the graded document, however, additionally and critically, the subject "data rectangle" may be "variably positioned" on the document, including fairly severe angled or tipped positions too (to facilitate quick application of the grading label, so the user does not have to be terribly careful in aligning the grading label with the edges of the document). The subject programming is only expecting to "see" the data rectangle somewhere on the document surface and the "where" is variable. The subject programming first finds the variably positionable data rectangle and then images and transfers the noted data within the variably positioned data rectangle into an electronic gradebook.

As an extremely relevant side note is that every small-to-large corporation, each specializing in electronic grading and electronic gradebooks, that the Applicant has contacted about the subject invention is amazed that it actually functions exactly as claimed. Not a single corporation has been able to achieve (and they have very much tried) what the subject invention provides: automatic identification of a variably positionable grading label anywhere on a document page (including angled positioning); automatic recognition of data within that label; and automatic transferal of that data to an electronic gradebook.

Specifically, the Examiner has rejected Claims 1-3, 5-7, 9, 14-16, and 35-37 under 35 USC 102(b) as being anticipated by Grundy. First, it is noted that the independent claims have been amended to better clarify exactly what the Applicant believes to be the claimed subject invention (support for the various amendments are found in numerous locations throughout the subject application). Importantly, the independent claims, and many of the dependent claims too, now include specific reference to the "**variably positionable**" data and that the "variably positionable" data is identified or found or located via digital-camera-associated-programming that then imports the found data into the desired gradebook. Thus, Applicant firmly believes that the Examiner's well presented arguments have been overcome and the now-pending claims are allowable. With the currently amended claims, clearly Grundy does not anticipate, teach, suggest, or imply the claimed subject invention.

Again, it must be stressed that never has a method of reading data been developed that does not require a *priori* information regarding the orientation of the document surface and the location of the data field on that surface.

Claims 4, 8, 20-28, and 32-34 stand rejected under 35 USC 103 as being unpatentable over Grundy in view of Knowles, et al. The Knowles, et al. invention is, basically, completely "dumb" in the sense that it does not know anything about the data it is processing. The programming merely digitizes an image and allows a user to

manipulate that image on the computer. The Knowles, et al. invention is basically an elaborate picture taking device. The Knowles, et al. device simply uses OCR-type programming in a traditional role to record scores that are marked in a **fixed** location data field that is never "found" in arbitrary document positions by the system's programming. One drastic improvement over the system described in Knowles, et al. by the subject invention includes the extremely useful and totally new ability of finding the variably positionable data rectangle wherever the user has placed it on the document. Thus, not only are subject claims, as amended, patentable over the cited combination of references, the subject claims are not even remotely taught, suggested, or implied in any manner by the cited references. Again, as stressed above, the reference systems do not and can not recognize a "variably positionable" data field. Further, the rectangles in Grundy are likewise fixed in program-expecting locations and are not "found" in variable locations as is true for the subject invention. As noted above, the subject claims have been amended to stress the "variably positionable" data rectangle and the ability of the subject invention to find the variably positionable data rectangles, image that data in those rectangles, and transfer that data to a gradebook, which is a completely non-obvious achievement.

In view of the above amendments and remarks, the Examiner is respectfully requested to withdraw the rejections to the Claims and pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (916) 498-1010.

Respectfully submitted,

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By:  _____
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